

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
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2004 SEP 28 P 1:50

U.S. DISTRICT COURT  
DISTRICT OF MASS.

THOMAS BUFFONGE,  
Plaintiff

v.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

And

GETRONICS WANG CO, LLC,  
Defendants

Civil Action No.: 03-12355-RCL

**RECORD FOR JUDICIAL REVIEW**

Pursuant to the Plaintiff's Statement Regarding the Administrative Record and Defendants' agreement with said statement, the parties submit the record for judicial review. The plaintiff Thomas Buffonge and the defendants The Prudential Insurance Company of America ("Prudential") and Getronics Wang Co. LLC, ("Getronics") have agreed that the enclosed documents are properly part of and are to be included in the administrative record in this long-term disability benefits action governed by the Employee Retirement Income Security Act (ERISA) of 1974, 29 U.S.C. 1001 *et seq.* Those documents are listed as Exhibits 1 through 134 below.

**A      Contract Documents**

- EXHIBIT 1    Agreement between The Prudential Insurance Company of America and Wang Laboratories, Inc. for Group Contract Number GW-22690 dated 7/1/93 (TB 1 – TB 45)
- EXHIBIT 2    Long-term Disability Insurance Plan, As in Effect as of January 1, 1994 (TB 46 – TB 52)

- EXHIBIT 3 Wang Benefits Information Guide, May 1995 (TB 53 – TB 95)
- EXHIBIT 4 Wang Benefits Information Guide, 1995-1997 Update (TB 96 – TB 116)
- EXHIBIT 5 Wang Flexible Benefits Program, May 1997 (TB 117 – TB 135)

**B. Claims Correspondence**

- EXHIBIT 6 Fax to Lynn Olson, Pru Disability, from Linda M. Daly, Wang, re: Social Security Administration; Supplemental Security Income dated 6/4/96 (TB 136 – TB 138)
- EXHIBIT 7 Fax Cover Sheet to Candace from Anna Swan re: Medical Release Authorization for Thomas Buffonge dated 7/12/96 (TB 139)
- EXHIBIT 8 Typed Note to Anna Swan re: Thomas Buffonge's Medical Record Request dated 7/15/96 (TB 140 – TB 141)
- EXHIBIT 9 Letter to Thomas Buffonge from Anna Swan re: status on his LTD claim dated 7/31/96 (TB 142)
- EXHIBIT 10 Fax to Kyra Leary from Anna Swan re: signed medical authorization dated 8/5/96 (TB 143 – TB 144)
- EXHIBIT 11 Letter to Linda Daly from Anna Swan re: disallowing his claim for LTD benefits dated 9/20/96 (TB 145 – TB 146)
- EXHIBIT 12 Letter to Thomas Buffonge from Anna Swan re: disallowing his claim for LTD benefits dated 9/20/96 (TB 147 – TB 148)
- EXHIBIT 13 Letter to Linda Gasowski from Thomas Buffonge re: appealing denial for LTD benefits dated 11/14/96 (TB 149)
- EXHIBIT 14 Letter to Linda Daly from Linda Gasowski re: Buffonge is not eligible for LTD benefits b/c he has not satisfied Elimination Period dated 11/26/96 (TB 150 – TB 151)
- EXHIBIT 15 Letter to Thomas Buffonge from Linda Gasowski re: informing Buffonge that he is not eligible for LTD benefits after appeal dated 11/26/96 (TB 152 – TB 153)
- EXHIBIT 16 Letter to Chris Longo from Thomas Buffonge re: appealing denial of LTD benefits dated 2/10/97 (TB 154)
- EXHIBIT 17 Letter to David Duhme from Nancy Halligan re: request for reconsideration of the disallowal of his LTD benefits dated 2/18/97 (TB 155)

- EXHIBIT 18 Letter to Thomas Buffonge from Nancy Halligan re: submit medical documentation dated 4/3/97 (TB 156)
- EXHIBIT 19 Letter to Nancy Halligan from Benjamin W. Corey re: earliest information could be sent is 4/21/97 dated 4/11/97 (TB 157)
- EXHIBIT 20 Letter to Nancy Halligan from Joseph Sommer re: disability letters from orthopedic enclosed dated 4/23/97 (TB 158)
- EXHIBIT 21 Fax Cover Sheet to Dr. Jacques from Nancy Halligan re: request for additional information in follow-up to April 9, 1997 narrative dated 5/7/97 (TB 159)
- EXHIBIT 22 Fax Cover Sheet and Attachment to Nancy Halligan from Amy DelMar re: job description dated 5/15/97 (TB 160 – TB 161)
- EXHIBIT 23 Letter to Amy DelMar from Nancy Halligan re: Physical Job Requirements dated 5/15/97 (TB 162 – TB 163)
- EXHIBIT 24 Fax Cover Sheet and Attachment to Nancy Halligan from Amy DelMar re: Thomas Buffonges Physical Job Requirements dated 5/16/97 (TB 164 – TB 166)
- EXHIBIT 25 Letter to Nancy Halligan from Joseph Sommer re: supplemental disability letter from orthopedic specialist dated 5/16/97 (TB 167)
- EXHIBIT 26 Letter to Linda Daly from Chris Longo re: upholding decision to disallow claim for LTD benefits dated 6/9/97 (TB 168 – TB 169)
- EXHIBIT 27 Letter to Benjamin Corey from Chris Longo re: upholding decision to disallow claim for LTD benefits dated 6/9/97 (TB 170 – TB 171)
- EXHIBIT 28 Letter to Chris Longo from Joseph Sommer re: disability letters from Dr. Jacques dated 7/25/97 (TB 172)
- EXHIBIT 29 Letter to Joseph Sommer from Amy Anjos re: review of claim dated 9/3/97 (TB 173 – TB 174)
- EXHIBIT 30 Letter and Attachment to Chris Longo from Joseph Sommer re: report from doctor indicating total disability dated 9/9/97 (TB 175 – TB 177)
- EXHIBIT 31 Letter to Chris Longo from Joseph Sommer re: information regarding social security benefits dated 9/16/97 (TB 178 – TB 179)
- EXHIBIT 32 Fax Cover Sheet and Attachment to Lynn Scheider from Kyra Leary re: Agreement for Redeeming Liability by Lump Sum Settlement Uner GL CH 152 dated 10/8/97 (TB 180 – 184)
- EXHIBIT 33 Letter to Dr. Rutchik from Lynn Schneider re: acceptance to review file dated

10/17/97 (TB 185 – TB 186)

- EXHIBIT 34 Letter to Lynn Schneider from Jonathan Rutchik re: pertinent point from a review of medical records provided on the Buffonge case dated 10/31/97 (TB 187 – 191)
- EXHIBIT 35 Fax Cover Sheet and Draft Copy Attached to Lynn Schneider from Jonathan S. Rutchik re: pertinent point from a review of medical records provided on the Buffonge case dated 11/4/97 (TB 192 – TB 197)
- EXHIBIT 36 Invoice for Consulting Services of Jonathan S. Rutchik, MD dated 11/20/97 (TB 198 – TB 199)
- EXHIBIT 37 Letter to Paula M. Cravott from Dan Dougherty re: Appeals Committee determined that Buffonge is not eligible to receive benefits dated 11/25/97 (TB 200 – TB 201)
- EXHIBIT 38 Letter to Joseph Sommer from Dan Dougherty re: Appeals Committee determined that Buffonge is not eligible to receive benefits dated 11/25/97 (TB 202 – TB 203)
- EXHIBIT 39 Invoice to Prudential from Occupational Health & Rehabilitation dated 11/26/97 (TB 204)

**C. Medical Records**

- EXHIBIT 40 University Health Services, Harvard University, Physical Exam dated 7/6/93 (TB 205 – TB 208)
- EXHIBIT 41 Harvard University Health Services, Record of Ambulatory Visit dated 7/6/93 (TB 209 – TB 210)
- EXHIBIT 42 Harvard University Health Services, Ancillary Services Report dated 7/6/93 (TB 211)
- EXHIBIT 43 Harvard University Health Services, Record of Ambulatory Visit dated 7/6/93 (TB 212)
- EXHIBIT 44 Harvard University Health Services, Record of Ambulatory Visit dated 7/6/93 (TB 213 – TB 214)
- EXHIBIT 45 Harvard University Health Services, Record of Ambulatory Visit dated 7/6/93 (TB 215 – TB 216)
- EXHIBIT 46 Harvard University Health Services, Radiology Department dated 7/7/93 (TB 217)

- EXHIBIT 47 Harvard University Health Services, Telephone Consultation dated 7/7/93 (TB 218)
- EXHIBIT 48 Harvard University Health Services, Follow-up Exam dated 7/12/93 (TB 219 – TB 221)
- EXHIBIT 49 Harvard University Health Services, Physical Examination dated 7/12/93 (TB 222 – TB 224)
- EXHIBIT 50 Harvard University Health Services, Record of Ambulatory Visit dated 7/21/93 (TB 225 – TB 227)
- EXHIBIT 51 Unidentified Monitoring Graph dated 7/21/93 (TB 228 – TB 229)
- EXHIBIT 52 Harvard University Health Services, Radiology Department dated 7/26/93 (TB 230)
- EXHIBIT 53 Harvard University Health Services, Record of Ambulatory Visit dated 7/26/93 (TB 231 – TB 232)
- EXHIBIT 54 Typed note from Wendell Pierce, MD re: Symptoms, Impression, and Disposition dated 7/28/93 & 8/4/93 (TB 233 – TB 234)
- EXHIBIT 55 Harvard University Health Services, Physical Therapy Department, Treatment Plan dated 7/28/93 (TB 235)
- EXHIBIT 56 Harvard University Health Services, Clinic Notes dated 7/27/93 (TB 236)
- EXHIBIT 57 Shields Health Care – MRI Network, MRI Findings dated 7/30/93 and Typed Noted from James Bayley dated 8/12/93 (TB 237 – TB 238)
- EXHIBIT 58 Harvard University Health Services, Orthopedic Clinic Notes dated 8/4/93 (TB 239)
- EXHIBIT 59 Harvard University Health Services, Physical Therapy Department, Patient Evaluation dated 8/10/93 (TB 240 – TB 243)
- EXHIBIT 60 Typed Note from James Bayley re: recommendation to cont. w/physical therapy dated 8/12/93 (TB 244)
- EXHIBIT 61 Harvard University Health Services, Telephone Consultation dated 8/13/93 (TB 245)
- EXHIBIT 62 Letter to Todd Ward from David W. Duhme, MD re: Short term disability dated 8/18/93 (TB 246)

- EXHIBIT 63 Harvard University Health Services Worksheet dated 9/2/93 (TB 247)
- EXHIBIT 64 Harvard University Health Services Follow-up notes dated 9/7/93 (TB 248)
- EXHIBIT 65 Harvard University Health Services Orthopedic clinic notes dated 9/9/93 (TB 249)
- EXHIBIT 66 Harvard University Health Services Follow-up notes dated 10/5/93 (TB 250- TB 251)
- EXHIBIT 67 Harvard University Health Services, Orthopedic Clinic Notes dated 10/7/93 (TB 252)
- EXHIBIT 68 Harvard University Health Services, Follow-up notes dated 11/5/93 (TB 253)
- EXHIBIT 69 Harvard University Health Services, typed note from David Duhme, MD re: Buffonge's progress dated 11/5/93 (TB 254)
- EXHIBIT 70 Harvard University Health Services, worksheet dated 11/5/93 (TB 255)
- EXHIBIT 71 Harvard University Health Services, Follow-up clinic notes dated 12/7/93 (TB 256 – TB 257)
- EXHIBIT 72 Khalsa Chiropractic, letter to Dr. Bayley from Hair Khalsa re: plans for treatment dated 4/6/94 (TB 258 – TB 259)
- EXHIBIT 73 Harvard University Health Services, Clinic Notes dated 6/14/94 (TB 260 – TB 261)
- EXHIBIT 74 Harvard University Health Services, Radiology Department re: Upper Gastrointestinal Series dated 6/22/94 (TB 262 - TB 263)
- EXHIBIT 75 Harvard University Health Services, Follow-up report dated 7/14/94 (TB 264)
- EXHIBIT 76 Harvard University Health Services, Clinic Note dated 8/3/94 (TB 265 – TB 266)
- EXHIBIT 77 Unidentified Monitoring Graph dated 8/4/94 (TB 267 – TB 268)
- EXHIBIT 78 Harvard University Health Service, Follow-up Clinic Notes dated 8/11/94 (TB 269)
- EXHIBIT 79 Letter to James Bayley, MD from Stephen Lipson, MS dated 8/29/94 (TB 270 – TB 272)
- EXHIBIT 80 Follow-up Clinic Notes dated 9/6/94 (TB 273 – TB 274)

- EXHIBIT 81 Harvard University Health Services, Ancillary Services Report dated 9/6/94 (TB 275)
- EXHIBIT 82 Follow-up Clinic Notes dated 12/5/94 (TB 276 – TB 277)
- EXHIBIT 83 Harvard University Health Services, Ancillary Services Report dated 12/5/94 (TB 278)
- EXHIBIT 84 Follow-up Clinic Notes dated 10/6/95 (TB 279 – TB 282)
- EXHIBIT 85 Clinic Notes, Dermatology dated 10/23/95 (TB 283 – TB 284)
- EXHIBIT 86 Harvard University Health Service, New Illness/New Injury Visit dated 10/20/95 (TB 285 – TB 286)
- EXHIBIT 87 Unidentified Monitoring Graph dated 10/20/95 (TB 287 – TB 288)
- EXHIBIT 88 Khalsa Chiropractic, PC, letter to David Duhme from Sat S. Khalsa re: treatment services dated 10/30/95 (TB 289)
- EXHIBIT 89 Harvard University Health Service, Clinic Note dated 11/9/95 (TB 290 – TB 291)
- EXHIBIT 90 Follow-up Clinic Notes dated 12/1/95 (TB 292 – TB 295)
- EXHIBIT 91 Harvard University Health Services, Ancillary Services Report dated 12/7/95 (TB 296 – TB 297)
- EXHIBIT 92 Typed Note from Frederick Mansfield re: exam report dated 1/18/96 (TB 298)
- EXHIBIT 93 Harvard University Health Services, Physical Therapy Department, Discharge Summary dated 2/5/96 (TB 299)
- EXHIBIT 94 Harvard University Health Services, Clinic Notes dated 2/15/96 (TB 300 – TB 301)
- EXHIBIT 95 Harvard University Health Services, Ancillary Services Report dated 3/6/96 (TB 302)
- EXHIBIT 96 Typed Note dated 4/16/96 (TB 303)
- EXHIBIT 97 University Health Services Harvard University, Physical Examination dated 4/12/96 (TB 304)
- EXHIBIT 98 The Prudential, Attending Physician's Statement dated 5/16/96 (TB 305 – TB 308)

EXHIBIT 99 Typed Note dated 5/16/96 (TB 309)

EXHIBIT 100 Harvard University Health Services, Ancillary Services Report dated 5/16/96 (TB 310)

EXHIBIT 101 Typed Note dated 6/19/96 (TB 311 – TB 312)

EXHIBIT 102 Harvard University Health Services, letter to Thomas Buffonge from David Duhme re: three more months of leave dated 6/19/96 (TB 313)

EXHIBIT 103 Consultation report dated 7/23/96 (TB 314 – TB 315)

EXHIBIT 104 Harvard University Health Service, Consultation Report dated 7/23/96 (TB 316)

EXHIBIT 105 Shields Health Care- MRI Network, Medical Report dated 7/29/96 (TB 317 – TB 318)

EXHIBIT 106 Harvard University Health Service, Consultation Report dated 7/30/96 (TB 319)

EXHIBIT 107 Typed Note re: Medical Evaluation dated 8/2/96 (TB 320)

**D. Miscellaneous**

EXHIBIT 108 Typed Note from James Bayley, MD re: Thomas Buffonge's status dated 11/29/93 (TB 321 – TB 322)

EXHIBIT 109 Letter to Erin Moran from James E. O'Neil, MD re: evaluation of injuries dated 1/18/94 (TB 323 – TB 328)

EXHIBIT 110 Typed Note from David W. Duhme, MD re: Thomas Buffonge's status dated 7/20/94 (TB 329)

EXHIBIT 111 Typed Note from James Bayley, MD re: Thomas Buffonge's status dated 8/20/94 (TB 330)

EXHIBIT 112 Letter from Wendy Bitter to Department of Industrial Accidents re: enclosed find Form 110 Employee's Claim dated 9/15/94 (TB 331)

EXHIBIT 113 Letter to Mark Killdeer from James E. O'Neil, MD re: Thomas Buffonge's status dated 11/15/94 (TB 332 – TB 338)

EXHIBIT 114 Letter to Vallerie Blanchard from Frederick Ayers re: examination of Thomas Buffonge dated 3/31/96 (TB 339 – TB 344)

EXHIBIT 115 Letter to Mark Kelleher from John F. Duff, MD re: examination of Thomas Buffonge dated 9/5/95 (TB 345 – TB 350)



EXHIBIT 116 Typed Note from David W. Duhme, MD re: Thomas Buffonge's status dated 11/9/95 (TB 351)

EXHIBIT 117 Typed Note from David W. Duhme, MD re: Thomas Buffonge's status dated 12/1/95 (TB 352)

EXHIBIT 118 Typed Note from David W. Duhme, MD re: Thomas Buffonge's status dated 12/18/95 (TB 353)

EXHIBIT 119 Typed Note from Michael A. Carty, MD re: Thomas Buffonge's status dated 1/29/96 (TB 354)

EXHIBIT 120 Instructions for Filing a Claim for Disability Benefits dated 6/10/96 (TB 355 – TB 356)

EXHIBIT 121 SOAP Note dated 6/10/96 – 6/17/96 (TB 357 – TB 358)

EXHIBIT 122 Order of Payment Section 35 signed by William F. Long dated 6/20/96 (TB 359- TB 360)

EXHIBIT 123 Letter to Kyra Leary from William L. Kermond, MD re: examination of Thomas Buffonge dated 6/27/96 (TB 361 – TB 367)

EXHIBIT 124 SOAP Note dated 7/16/96-2/18/97 (TB 368 – TB 383)

EXHIBIT 125 Letter from Emilio Jacques, MD re: examination of Thomas Buffonge dated 3/18/97 (TB 384)

EXHIBIT 126 SOAP Note 4/3/97 (TB 385)

EXHIBIT 127 Typed Note from Emilio Jacques re: totally disabled dated 4/9/97 (TB 386)

EXHIBIT 128 Typed Note from Emilio Jacques re: examination dated 4/9/97 (TB 387 – TB 388)

EXHIBIT 129 SOAP Note dated 4/11/97-5/27/97 (TB 389 – TB 392)

EXHIBIT 130 Typed Note from Emilio Jacques, MD re: examination dated 6/11/97 (TB 393 – TB 394)

EXHIBIT 131 Typed Note from Emilio Jacques, MD re: examination dated 7/9/97 (TB 395 – TB 396)

EXHIBIT 132 Letter to Ben Corey from David Duhme, MD re: permanent disability dated 7/16/97 (TB 397)

EXHIBIT 133 SOAP Note dated 8/6/97-11/12/97 (TB 398 – TB 412)

EXHIBIT 134 Telephone Call Log dated 12/10/03 (TB 413 – TB 425)

THOMAS BUFFONGE,

By His Attorney,

*Mitchell J. Notis* *ew* *ul permission*

Mitchell J. Notis, BBO# 374360  
LAW OFFICE OF MITCHELL J. NOTIS  
370 Washington St.  
Brookline, MA 02445  
(617)566-2700

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,  
and GETRONICSWANG CO., LLC,  
By Its Attorneys,

*Carey L. Bertrand*

William T. Bogaert, BBO#546321  
Carey L. Bertrand, BBO#650496  
WILSON, ELSER, MOSKOWITZ  
EDELMAN & DICKER, LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300